

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DAE#

Application of
Applicants : Lemus-Tejada et al.
Serial No. : 09/943,077
Filed : August 30, 2001
Title : INTEGRATED OPTICAL TIME DOMAIN REFLECTOMETER
AND OPTICAL SUPERVISORY NETWORK
Docket No. : SOI 0002 PA

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313, on May 8, 2003.

James E. Beyer
James E. Beyer
39,564
Reg. No.

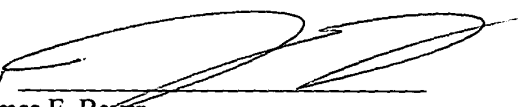
Sir:

**NOTIFICATION OF FILING IN FOREIGN COUNTRY AND
PETITION TO REVIVE ABANDONMENT OF THE APPLICATION UNDER 37 CFR 1.137(b)**

This paper is being filed to provide the notice of foreign filing required by 35 U.S.C. § 122(b)(2)(B)(iii). A request to rescind publication of the present application was filed within 45 days of such filing. However, because the notice of foreign filing was not also filed within 45 days of such foreign filing, the present application is abandoned by operation of 35 U.S.C. § 122(b)(2)(B)(iii). Accordingly, applicant hereby petitions under 37 CFR 1.137(b) to revive the abandoned United States application.

The undersigned hereby states that the entire delay in filing the notice of foreign filing required by 35 U.S.C. § 122(b)(2)(B)(iii) from the due date of the notice to the filing of this petition was unintentional. The unintentional nature of the delay is evidenced, at least in part, by applicant's timely rescission of the non-publication request. Enclosed herewith is the petition fee in the amount of \$650 (for a small entity) or \$1,300 (for a large entity).

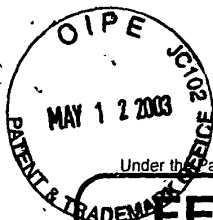
Respectfully submitted,
KILLWORTH, GOTTMAN, HAGAN &
SCHAEFF, L.L.P.

By 
James E. Beyer
Registration No. 39,564

RECEIVED
MAY 13 2003
OFFICE OF PETITIONS

One Dayton Centre
One South Main Street, Suite 500
Dayton, Ohio 45402-2023
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PTO/SB/17 (05-03)
Approved for use through 04/30/2003. OMB 0651-0032
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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 650.00)

Complete if Known

Application Number	09/943,077
Filing Date	August 30, 2001 RECEIVED
First Named Inventor	Enos Avid Lemus-Tejada
Examiner Name	MAY 13 2003
Art Unit	2877
Attorney Docket No.	SOI 0002 PA OFFICE OF PETITIONS

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number
Deposit Account Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$)-0-

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims -20** = X =
Independent Claims -3** = X =
Multiple Dependent =

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	650.00
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 650.00)

SUBMITTED BY

Name (Print/Type) James E. Beyer

Registration No. 39,564
(Attorney/Agent)

(Complete if applicable)

Telephone 297-223-2050

Signature

Date May 8, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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